

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

KAREN COCHENOUR,

Plaintiff,

v.

360Training.COM, Inc., d/b/a MORTGAGE  
EDUCATORS and COMPLIANCE, INC.,  
Defendant.

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1:25-CV-00007-RP

**[PROPOSED] AGREED SCHEDULING ORDER<sup>1</sup>**

Pursuant to Federal Rule of Civil Procedure 16, the following Agreed Scheduling Order is issued by the Court:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before June 26, 2026.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before February 9, 2026, and each opposing party shall respond, in writing, on or before March 9, 2026. All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and responses so the Court may use them in assessing attorney's fees and costs at the conclusion of the trial.
3. Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge" on or before June 30, 2025.

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<sup>1</sup> Although Defendant is proposing dates in this scheduling order to comply with the Court's May 23, 2025 Order requiring Defendant to do so (Doc. 23), Defendant's position is that this case should be stayed for the reasons explained in its pending Motion to Stay (Doc. 19). By submitting this proposed scheduling order, Defendant does not waive, but rather expressly reserves, its position that this case should be stayed.

4. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before January 26, 2026.

5. Discovery shall commence immediately upon entry of this Order, and initial disclosures shall be due 14 days from entry of this Order. To the extent that discovery requests were served prior, those requests are deemed served as of the date of entry of this Order.<sup>2</sup>

6. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before July 10, 2026. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before August 10, 2026. Expert depositions shall be completed no later than September 10, 2026.

7. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **30 days** from the receipt of the written report of the expert's proposed testimony, or within **30 days** from the completion of the expert's deposition, if a deposition is taken, whichever is later.

8. The parties shall complete all fact discovery on or before June 8, 2026.

9. Plaintiff's class certification motion shall be filed on or before October 9, 2026: Defendant's opposition is due November 9, 2026, and Plaintiff's reply is due November 23, 2026. All dispositive motions shall be filed on or before April 15, 2027, to allow the Court time to rule on

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<sup>2</sup> Defendant preserves its position that this case should be stayed in its entirety pending ruling on the motion to dismiss and further believes that discovery should be stayed at least until August 6, 2025, to allow the Court time to determine whether it has Article III jurisdiction to hear this case before the case is allowed to proceed. Under this plan, any discovery requests that were served prior to August 6, 2025 would be deemed served on August 6, 2025.

class certification at least 45 days before the summary judgment deadline so that the Parties know whether summary judgment motions will be on behalf of one individual or a certified class, which will significantly impact the motion. In the event the Court has not ruled on class certification by March 2, 2027 or there is an appeal of the class certification ruling, the dispositive motion deadline will be extended to 45 days after the later of the Court's ruling on Plaintiff's motion for class certification or the resolution of any interlocutory appeal of that ruling. Summary judgment motions shall be limited to 30 pages. Responses shall be filed and served on all other parties not later than 30 days after the service of the motion and shall be limited to 30 pages. Any replies shall be filed and served on all other parties not later than 21 days after the service of the response and shall be limited to 15 pages, but the Court need not wait for the reply before ruling on the motion.

10. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

**The parties shall not complete the following paragraph. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.**

11. This case is set for \_\_\_\_\_ trial commencing at 9:00 a.m. on \_\_\_\_\_.

Jury selection may be conducted by a Magistrate Judge and may occur on the Friday before the case is set for trial. Because criminal and civil cases are often set for the same trial week, the Court may need to reschedule your trial shortly before the trial date. If the parties resolve their dispute after 5:00 p.m. the day before jury selection or resolve their dispute earlier but fail to timely notify the Court, the parties may be assessed up to \$5,000 for the lost opportunity to schedule other matters and to cover court costs like summoning the jury panel and paying the fees of the jury panel.

The parties may modify the deadlines in this order by agreement, with the exception of the dispositive motions deadline, hearing dates, and trial date. Those dates are firm. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this order. For cases brought pursuant to the Freedom of Information Act (FOIA), the parties may instead follow the standard disclosure process and will have an initial pretrial conference only by request.

SIGNED on \_\_\_\_\_, 20\_\_\_\_\_.

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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE